

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COREY HINTON, #646238,

Petitioner,

v.

CASE NO. 2:15-CV-10687
HONORABLE DENISE PAGE HOOD

ROBERT NAPEL,

Respondent.

ORDER DENYING PETITIONER'S
MOTIONS TO EXPAND THE RECORD

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This is a habeas case brought pursuant to 28 U.S.C. § 2254. Corey Hinton (“Petitioner”) was convicted of felony murder, Mich. Comp. Laws § 750.316, felon in possession of a firearm, Mich. Comp. Laws § 750.224f, and possession of a firearm during the commission of a felony, Mich. Comp. Laws § 750.227b, following a jury trial in the Wayne County Circuit Court. He was sentenced to life imprisonment without parole, a concurrent term of one to seven and one-half years imprisonment, and a consecutive term of two years imprisonment on those convictions. In his pleadings, Petitioner raises claims concerning the non-production of a witness and the admission of his prior testimony, the jury instructions, the composition of the jury, and the effectiveness of trial and appellate counsel.

The matter is before the Court on Petitioner’s motions to expand the record to add his own affidavit and mental health records, which he states are relevant to his

ineffective assistance of counsel claims. Petitioner filed his initial motion with his reply brief on February 11, 2016 and filed a supplemental motion on April 4, 2016. Respondent has not filed a response to the motions, but has submitted an answer to the petition and the state court record.

A federal court has discretion to supplement the state court record with materials relevant to the resolution of the habeas petition. Rule 7, Rules Governing Section 2254 Cases. Having reviewed the matter, the Court finds that the record may not be expanded as requested. Respondent has submitted the state court materials. Petitioner fails to show that the additional materials are necessary to the resolution of the habeas petition and fails to show that they were part of the state court proceedings. The United States Supreme Court has made clear that federal habeas review under 28 U.S.C. §2254(d) is “limited to the record that was before the state court that adjudicated the claim on the merits.” *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011). Petitioner is precluded from injecting new information that was not presented to the state courts into this habeas proceeding. Accordingly, the Court denies Petitioner’s motions to expand the record.

IT IS SO ORDERED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: April 29, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 29, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager